

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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IN RE: LOCAL CIVIL RULE 1.5(d) :
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M10-468
ORDER

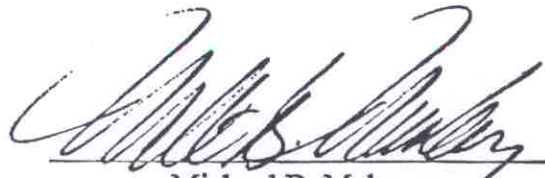
Whereas the Joint Committee on Local Rules for the Southern and Eastern Districts of New York recommended that Local Civil Rule 1.5(d), regarding reciprocal discipline of attorneys, be amended; and

Whereas the Judges of the Southern District of New York approved the proposed amendment to Local Civil Rule 1.5(d), now therefore it is

ORDERED and ADJUDGED that Local Civil Rule 1.5(d) is hereby amended as indicated in the text of amendment attached to this order, and it is further

ORDERED and ADJUDGED that Local Rule 1.5(d), as amended is effective thirty (30) days from the date of this order.

SO ORDERED.


Michael B. Mukasey
Chief Judge

Dated: New York, New York
April 2, 2001

JOINT LOCAL CIVIL RULE 1.5(d)*

(d) Procedure

(1) If it appears that there exists a ground for discipline set forth in paragraph (b)(1), (b)(2), or (b)(3), notice thereof shall be served by the Committee on Grievances upon the attorney concerned by first class mail, directed to the address of the attorney as shown on the rolls of this court and to the last known address of the attorney (if any) as shown in the complaint and any materials submitted therewith. *Service shall be deemed complete upon mailing in accordance with the provisions of this paragraph.*

In all cases in which any federal court or a court of any state or territory has entered an order disbarring an attorney or suspending the attorney from practice, whether or not on consent, the notice shall be served together with an order entered by the clerk for this court, to become effective twenty-four days after the date of service upon the attorney, disbarring the attorney or suspending the attorney from practice in this court upon terms and conditions comparable to those set forth by the other court of record. In all cases in which an attorney has resigned from the bar of any federal court or of a court of any state or territory while an investigation into allegations of misconduct by the attorney was pending, even if the attorney remains admitted to the bar of any other court, the notice shall be served together with an order entered by the clerk for this court, to become effective twenty-four days after the date of service upon the attorney, deeming the attorney to have resigned from the bar of this court. Within twenty days of the date of service of either order, the attorney may file a motion for modification or revocation of the order. Any such motion shall set forth with specificity the facts and principles relied upon by the attorney as showing cause why a different disposition should be ordered by this court. The timely filing of such a motion will stay the effectiveness of the order until further order of this court. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require.

In all other cases, the notice shall be served together with an order by the Committee on Grievances directing the attorney to show cause in writing why discipline should not be imposed. If the attorney fails to respond in writing to the order to show cause, or if the response fails to show

good cause to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may direct such a hearing pursuant to paragraph (d)(4) below.

*Amended language appears in italics.